

Motion DENIED.

This the 28th day of July, 2016.

/s/Louise W. Flanagan, U.S. District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:15-HC-2253-FL

UNITED STATES OF AMERICA

v.

JON KARL THOMPSON

MOTION TO CONTINUE AUGUST 8,
2016 EVIDENTIARY HEARING AND
TO ALLOW POLYGRAPH
EXAMINATION

At the request of the respondent, Standby Counsel respectfully moves this honorable Court for an Order continuing his August 8, 2016 4248 evidentiary hearing three to four months and for an Order requiring FCI Butner to permit polygrapher Robert Drdak entry into the facility to meet with the respondent at a time that works for both the facility and Mr. Drdak. The following is offered in support of this motion.

1. Respondent has requested Standby Counsel to file a motion to continue the evidentiary hearing in this matter for approximately three to four months to allow the respondent to be examined by polygrapher Robert Drdak. Standby Counsel has contacted Mr. Drdak who is a licensed polygrapher and retired FBI Agent. Mr. Drdak has performed many polygraph examinations at FCI Butner and other facilities over the years. Upon information and belief, Mr. Drdak has worked with FCI Butner staff in conducting sex offender polygraph examinations in the past.

2. Respondent also requests a three to four month continuance so that he can have additional time to prepare for the evidentiary hearing.

3. Standby Counsel has contacted AUSA Matthew Fesak who opposes this continuance and he lists his reasoning below:

Petitioner opposes Respondent's motion for a continuance for purposes of submitting to a polygraph examination on the grounds that the results of a polygraph are neither relevant nor admissible in this proceeding as evidence to contradict the fact of Respondent's guilty pleas. See United States v. Prince-Oyibo, 320 F.3d 494, 501 (4th Cir. 2003). Furthermore, the government will be prepared to proceed at trial on August 8, 2016. However, Petitioner did want to alert the Court that it's expert witness, Dr. Mark Hastings, is under subpoena to